




KANSAS DEPARTMENT OF CORRECTIONS

	INTERNAL MANAGEMENT POLICY AND PROCEDURE	SECTION NUMBER 12-134	PAGE NUMBER 1 of 4						
	SUBJECT: SECURITY AND CONTROL: Uniform Review of Publications								
Approved By:  Secretary of Corrections		<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%;">Original Date Issued:</td> <td style="width: 30%; text-align: right;">08-21-04</td> </tr> <tr> <td>Current Amendment Effective:</td> <td style="text-align: right;">11-05-07</td> </tr> <tr> <td>Replaces Amendment Issued:</td> <td style="text-align: right;">05-16-07</td> </tr> </table>		Original Date Issued:	08-21-04	Current Amendment Effective:	11-05-07	Replaces Amendment Issued:	05-16-07
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Reissued By:  Policy & Procedure Coordinator		<p>The substantive content of this IMPP has been reissued as per the appropriate provisions of IMPP 01-101. The only modifications within the reissue of this document concern technical revisions of a non substantive nature.</p> <p>Date Reissued: 01-07-11</p>							

POLICY

Staff at a correctional facility designated by the Deputy Secretary, Facility Management, shall review all publications received by mail for intended delivery to inmates, and shall, on an individual basis for each publication, make a decision to either allow such publication within KDOC facilities or to censor and deny delivery of certain publications based upon the criteria set forth at KAR 44-12-313 and/or 44-12-601. Each facility shall designate personnel to coordinate with the designated facility regarding the publication review process.

Any decision to allow or censor a publication shall apply to all Departmental facilities.

The decision made by the staff of the designated facility may be appealed by an inmate to the Secretary of Corrections or, at the direction of the Secretary, to the Secretary's designee.

By publication of this policy, it is the clear intent of the Secretary of Corrections to fully occupy the field of publication censorship, and no independent censorship of publications shall be undertaken by any facility within the Department.

DEFINITIONS

Business day: A day on which Kansas state governmental offices are open for regular business.

Designated facility: The facility designated by the Deputy Secretary of Facility Management to perform the review functions with regard to publications intended for delivery to inmates.

Facility coordinator: The personnel designated by the Warden of each facility to coordinate with the designated facility regarding the publication review process.

PROCEDURES

I. Submission of Publications for Departmental Review.

- A. A facility that is in receipt of a publication where there is a question of whether it should be allowed into a correctional facility, and the publication has not been reviewed at the designated facility, shall refer the publication to appropriate staff of the designated facility for review.
 - 1. The publication, or sections of the publication, shall be forwarded for review in a manner that will promote a prompt review and accountability for the publication.
 - a. The sending facility shall maintain a log of those publications sent for review, and the designated facility shall log all publications received, the action taken on the publication, and the dates of notification of decisions and return of the publication.
- B. Upon forwarding the publication for review, the personnel of the submitting facility shall immediately, by way of email, notify all KDOC facility mailrooms that the publication has been submitted for review for possible censorship.
 - 1. During the duration of the review process, the publication shall not be delivered to any inmate of a KDOC facility.

II. Initial Decision to Censor by Designated Facility Staff

- A. The review of incoming publications intended for inmates shall be made by personnel at the designated facility.
 - 1. If facility personnel designated to review publications make a determination that there may be sufficient basis to censor a publication, based on the criteria set forth in KAR 44-12-601 and/or KAR 44-12-313, Attachment A, KDOC *Notification of Publication Seizure/Censorship* shall be completed as follows:
 - a. The area reserved for the name of the inmate recipient shall be left blank;
 - b. Specific reasons for the determination shall be provided; and,
 - c. Personnel of the designated facility shall ensure that both a copy of the censorship form is forwarded by FAX or electronic transmission to each KDOC facility mailroom, and all KDOC facility mailrooms are additionally notified by way of an immediate email that censorship of the publication has been proposed.
- B. Once a facility is notified that censorship of a publication has been proposed, the publication shall not be provided to any inmate within that facility until a final decision has been reached.
- C. Any facility wishing to provide input regarding the possible censorship of a particular publication shall forward relevant comments to the facility recommending that the publication be censored.
 - 1. All comments shall be forwarded to the designated facility within two [2] business days of the receipt of the initial censorship proposal.
- D. Subsequent to the review of all comments and other relevant information, appropriate personnel of the designated facility shall render a decision as to whether the publication is to be allowed within KDOC facilities or if it is to be censored.
 - 1. The decision shall be made within five [5] business days of the receipt of the publication.

III. Notice to Facilities of Final Decision

- A. Upon rendering a decision concerning the publication, personnel of the designated facility shall notify the KDOC facility coordinators by email as to the nature of the decision.

1. If the decision is to censor, the decision shall be logged in the OMIS censored magazine list.
 - a. No entries to this list shall be made by anyone other than personnel of the designated facility.
2. If the decision is to allow the publication to be received by inmates, a copy of a letter approving the publication shall be sent to each facility, either by FAX or electronically.

IV. Notice to Inmates / Publisher

- A. When a publication has been censored, each facility receiving the publication shall notify the inmate to whom the publication is addressed that the publication has been censored.
 1. To facilitate this procedure, the form provided to the facility by the designated personnel shall be copied, and the inmate/recipient's name shall be added to the form.
- B. When a publication has been censored, personnel from the designated facility shall also provide notice to the publisher by using a copy of the form [Attachment A] sent to the inmate. .
 1. The publisher may request a review by the Secretary's designee by submitting a request for such a review within 15 business days of the date that the notice is issued.
 2. The publisher shall be notified by the Secretary's designee of his or her decision following the completion of the requested review.

V. Appeals

- A. An inmate may appeal the decision to censor a publication by completing the appeal section of the censor notice form and submitting it through his or her unit team.
 1. The unit team shall forward the appeal to the office of the warden.
 2. The appeal shall be logged in.
 3. The appeal shall be forwarded to the office of the Secretary for disposition.
- B. Upon receipt of the appeal within the office of the Secretary, the Secretary, or the Secretary's designee, shall review the appeal and make a disposition within 20 business days of receipt of the appeal that shall be final and binding upon all parties concerned.
 1. The Secretary, or the Secretary's designee, shall inform the inmate of the decision through the inmate's unit team.
 2. If it is the decision of the Secretary or the Secretary's designee that the censorship of the publication shall be upheld, the Secretary or the Secretary's designee shall ensure that all wardens within the Department are notified of the finding.
 - a. A copy of all documents involved in the appeal shall be retained at the facility. A copy of the publication that is the subject of the appeal shall also be retained, if possible. If the inmate elects to mail out the publication, and no other copy of the publication is available, a photocopy of the pages of the publication resulting in the decision to censor shall be retained. Additionally identifying information regarding the publication, including the date, issue number, publisher, and publisher's address shall also be retained.
 3. If it is the decision of the Secretary or the Secretary's designee that the censorship of the publication is reversed, and that the publication is allowed for delivery to inmates within the facilities of the KDOC, then the following actions shall be taken:

- a. The Secretary or Secretary's designee shall notify the personnel of the designated facility that their censorship action has been reversed, and of the reasons for that reversal.
- b. The personnel of the designated facility shall then in turn notify the mailroom personnel of all KDOC facilities by both email and regular mail that the publication is to be allowed within their respective facilities.

VI. Disposition of Censored Publications

- A. Any inmate addressee of a censored publication shall be required to make disposition of the censored publication materials at the inmate's expense.
 1. The inmate shall be given the opportunity to send the publication to a location of his/her choosing, at his/her expense, pursuant to KAR 44-12-601 (q) (4).
 2. Alternately, the inmate may elect to have the publication destroyed.
- B. If the inmate refuses or fails to make disposition of the publication within 30 calendar days of the final action regarding the publication, the publication shall be destroyed.

VII. General Orders

- A. This document shall form the full basis of policy on the matter of publication review and censorship, and no General Orders on this subject shall be allowed.

NOTE: The policy and procedures set forth herein are intended to establish directives and guidelines for staff and offenders and those entities who are contractually bound to adhere to them. They are not intended to establish State created liberty interests for employees or offenders, or an independent duty owed by the Department of Corrections to either employees, offenders, or third parties. Similarly, those references to the standards of various accrediting entities as may be contained within this document are included solely to manifest the commonality of purpose and direction as shared by the content of the document and the content of the referenced standards. Any such references within this document neither imply accredited status by a Departmental facility or organizational unit, nor indicate compliance with the standards so cited. The policy and procedures contained within this document are intended to be compliant with all applicable statutes and/or regulatory requirements of the Federal Government and the state of Kansas. This policy and procedure is not intended to establish or create new constitutional rights or to enlarge or expand upon existing constitutional rights or duties.

REPORTS REQUIRED

None.

REFERENCES

KAR 44-5-111, 44-12-313, 44-12-601

ATTACHMENTS

Attachment A - KDOC Notification of Publication Seizure/Censorship – 1 page

KDOC NOTIFICATION OF PUBLICATION SEIZURE/CENSORSHIP

DATE: _____

TO: Inmate _____ # _____

Facility: _____

RE: _____ Issue Date: _____
[Title of Publication]

The publication identified above, published by _____ has been rejected in accordance
with KDOC regulations, specifically _____

This publication has been rejected because _____

[Specific portions or pages of the publication which are objectionable or other reasons forming a basis of rejection]

Either you, the publisher, or both may appeal this decision. If there is no appeal, the publication will be mailed out
at your expense, if you so request, or shall be destroyed.

If you wish to appeal this decision, you must do so within 15 business days of the date of this notice by writing to
KDOC Secretary, 900 SW Jackson St., Topeka KS 66612, or by handing an appeal in writing to your unit team and
including your reasons for the appeal and any materials you wish considered. The decision will be made based on
the publication and the materials you provide. A decision will be rendered within 20 business days of the receipt of
your appeal and you will be notified in writing. The publication in question will be held until the decision in this
matter is made, and then it will be delivered to you, mailed out at your expense [if you so request] or destroyed,
depending on the outcome of the appeal.

Secretary of Corrections / Designee

Date

cc:

[Publisher name and address]